

ORDINANCE NO. R- 2014-9

TAX CODE(S) 82-06-28-017-068.001-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 1500 LINCOLN AVE
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

SEE ATTACHED LEGAL

by changing the zoning classification of the above-described real estate from R-1 to C-1, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on JUNE 11, 2014 at Instrument No.: 2014R00013139. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 9 day of JUNE, 20 14.

ATTEST:


President


City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 10 day of JUNE, 20 14.


City Clerk

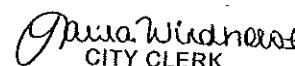
Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 10th day of JUNE, 20 14, at 3:30 o'clock PM.


Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: MORGAN JONES

FILED

MAR 10 2014


CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, _____ (Name) Catholic Diocese of Evansville Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (Address) _____, which real estate is more particularly described as follows, to wit:

See Attached Legal

WHEREAS, as the real estate is currently classified as a(n) R-1 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-1; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

ON PREMISE SIGN

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as

set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 4 day of March, 2014 by Lawrence Murphy for the purpose set forth herein.

Lawrence E. Murphy
Signature

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Lawrence Murphy who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 4 day of March, 2014.

NOTARY PUBLIC

A resident of Vanderburgh County, Indiana.

My commission expires: 8.4.2017



This instrument prepared by: (Name) Monica A. Hammett
(Address) 8711 Whispering Tree Ln Evansville IN 47711
(Phone) 812-760-4350

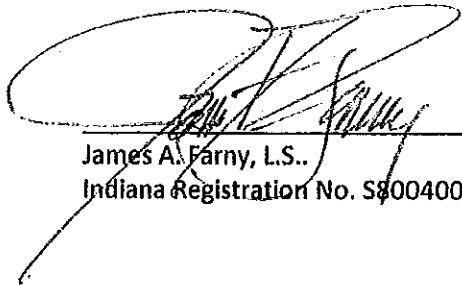
LAND DESCRIPTION
REZONING FOR MESSAGE BOARD
MARCH 5, 2014

A part of Section 28, Township 6 South, Range 10 West, Evansville, Vanderburgh County, Indiana, and more particularly described as follows:

BEGINNING at a point 517.68 feet north of the north line of Lincoln Avenue and 32.50 feet east of the east line of Lot '1 in Bierbower's Subdivision of the East Half of the Northwest Quarter, said east Lot Line also being the centerline of Bennighof Avenue; thence North 27 degrees 30 minutes 00 seconds West 20.00 feet; thence North 62 degrees 30 minutes 00 seconds East 10.00 feet; thence South 27 degrees 30 minutes 00 seconds East 20.00 feet; thence South 62 degrees 30 minutes 00 seconds West 10.00 feet to the POINT OF BEGINNING, containing 200 square feet.

Witness my hand and seal this 5th day of March, 2014.




James A. Farny, L.S..
Indiana Registration No. S80040051

VERIFIED PETITION FOR REZONING

2014-10

-PC

ORDINANCE NO. R- 2014-9

COUNCIL DISTRICT: Missy Mosby Ward 2

PETITIONER Catholic Diocese of Evansville PHONE 812-476-4973
 ADDRESS 1500 LINCOLN AVE ZIP CODE 47714
 OWNER OF RECORD Same PHONE _____
 ADDRESS _____ ZIP CODE _____

- Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
- Premises affected are on the E side of Bennighof a distance of _____ feet _____
 (N.S.E.W) of the corner formed by the intersection of Bennighof and Lincoln Ave.
 Registered Neighborhood Association (if applicable) Lincoln Bellemore

LEGAL DESCRIPTION:

SUBDIVISION _____ BLOCK _____ LOT NO. _____
 (where applicable - if not in a subdivision, insert legal here or attach to ordinance)

- The commonly known address is 1500 LINCOLN AVENUE
- The real estate is located in the Zone District designated as R-1
- The requested change is to (Zone District) C-1
- Present existing land use is High School
- The proposed land use is School w/ Electronic message center
- Utilities provided: (check all that apply)
 City Water ☒ Electric ☒ Gas ☒ Storm Sewer ☒
 Sewer: Private _____ Public _____ Septic _____
- All attachments are adopted by reference.
- The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 2/26/14 PETITIONER Reitz Memorial High School / Lawrence E Murphy
 (when signed) PRINTED NAME Reitz Memorial High School / Lawrence E Murphy

DATE 2/26/14 OWNER OF RECORD Lawrence E Murphy For Memorial HS
 (when signed) PRINTED NAME Lawrence E Murphy / For Memorial HS

REPRESENTATIVE FOR PETITIONER NAME Morgan A. Jones Sr / Sign Crafters Inc
 (Optional) ADDRESS/ZIP 1508 Springtown Road
 PHONE 812-424-9011

FILED

MAR 10 2014

Paula Wickersham
 CITY CLERK

REZONE R-1 TO C-1

BENNIGHOF AVE

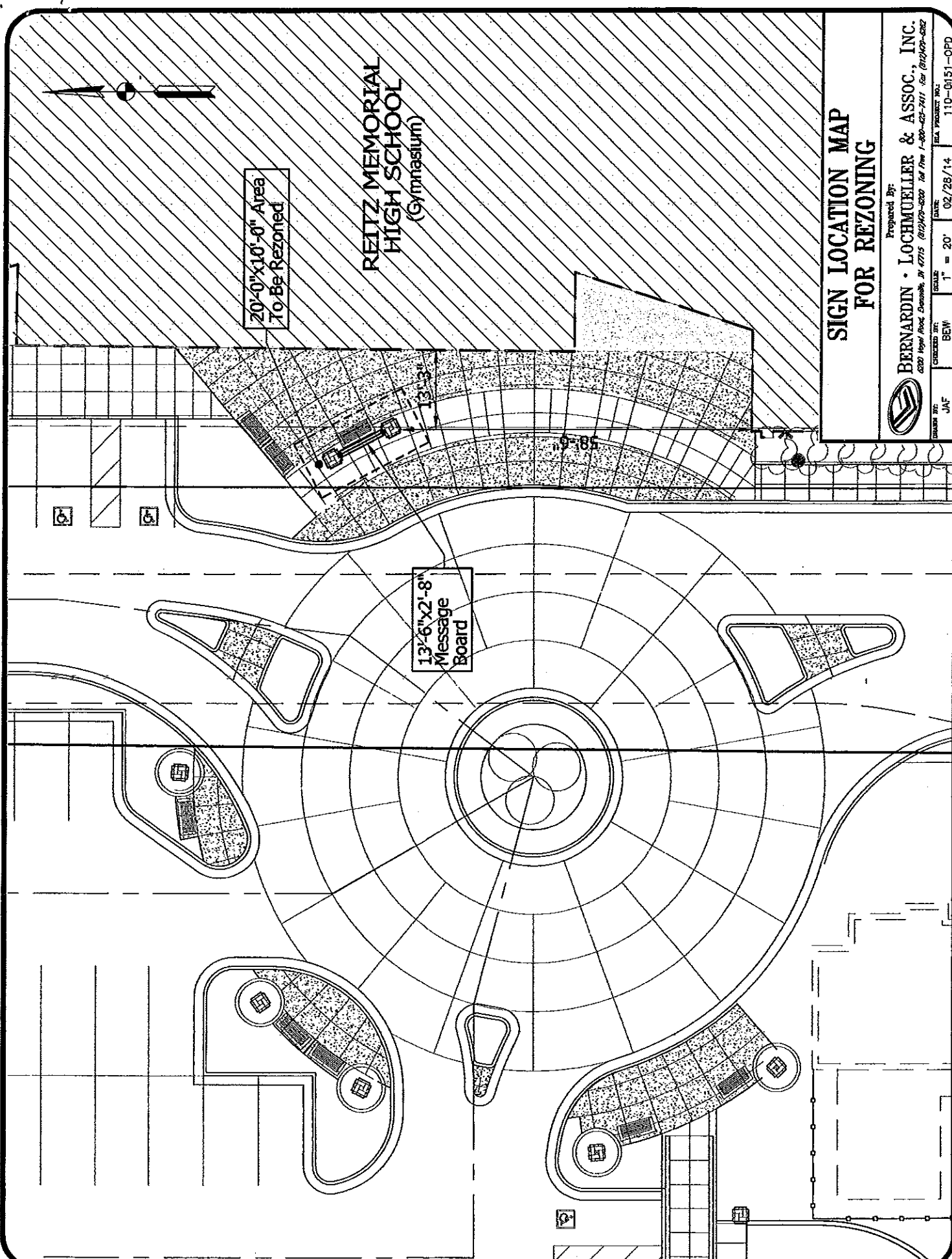
LODGE AVE

R-1

LINCOLN AVE

LODGE AVE

R-2



SIGN LOCATION MAP FOR REZONING

Prepared By:
BERNARDIN • LOCHMUELLER & ASSOC., INC.
6220 Ingham Road, Bensenville, IL 60015 (815) 439-5200 Toll Free 1-800-423-7411 Fax (815) 439-6322
 CHECKED BY: JAF
 SCALE: 1" = 20'
 DATE: 02/28/14
 PIA PROJECT NO.: 110-0151-OPD